

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA | A 9:50
NORTHERN DIVISION

JEFFERY BAKER JR,

Petitioner

vs.

RUSSELL THOMAS, Sheriff, et, al

Respondents,

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* CIVIL ACTION NO.
* 2:06-CV-61-ID
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MOTION TO AMEND PETITION FOR WRIT OF HABEAS CORPUS

Comes now the Petitioner in the above-styled cause, pro-se, unlearned in law; subject to error, respectfully, and in good faith, to amend the petition for writ of habeas corpus. As grounds, Petitioner shows the following:

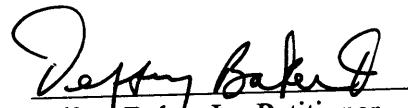
1. The Respondents answer to Petitioner's petition for federal habeas review, contend, Petitioner's second claim that his sentence is excessive and violated the Eighth Amendment is procedurally barred under *Teague v. Lane*, 489 U. S. 288, 297-298 (1989), or if petitioner is alleging that the sentence exceeds the maximum authorized by law, he would be have a state remedy available under Rule 32, Ala. R. Crim. Pro.

2. Petitioner concede, the second claim appears to be procedurally barred under the *Teague* holding, therefore petitioner amends his petition to delete ground two from the petition for writ of habeas corpus.

3. Petitioner relies on the Court's, earlier order of February 6, 2006, and submits the amendment to the petition within the 90 days previously authorized by the Court.

4. In accordance with *Rhines v. Weber*, 544 U.S. 269, 125 S.Ct. 1528 (2005); *Rose v. Lundy*, 455 U. S. 509, 102 S. Ct. 1198, 71 L. Ed. 2d 379 (1982); and the Court's order issued February 6, 2006, petitioner attach the amended petition for Habeas Corpus, denominated, PETITIONER'S AMENDED PETITION FOR WRIT OF HABEAS CORPUS.

Done this the 28th day of April 2006.

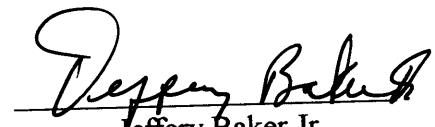


Jeffery Baker Jr., Petitioner
1357 County Road 3348
Brundidge, Al 36010
334-735-3548

CERTIFICATE OF SERVICE

I hereby certify that I have this day, April 28, 2006, served the forgoing amended petition on the Attorney of Record for the Respondents, by United States mail, with the postage pre-paid, affixed thereto, and properly addressed to him as follows:

Mr. Cecil G. Brendle Jr.,
Assistant Attorney General
11 South Union Street
Montgomery, Al 36130-0152



Jeffery Baker Jr.

JB/

Attachment: Petitioner's Amended Habeas Petition